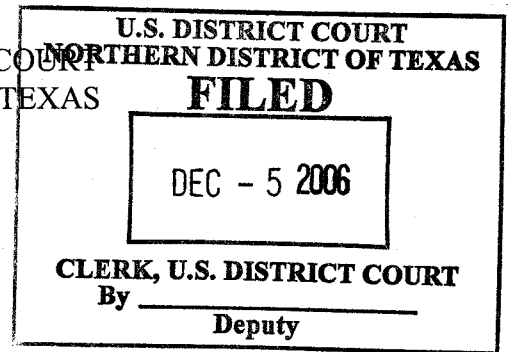


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



ARMANDO TREVINO,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:06-CV-0299

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**DENYING APPLICATION TO PROCEED *IN FORMA PAUPERIS*,**  
**and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Before this Court is petitioner's habeas corpus petition filed by petitioner ARMANDO TREVINO. The petition was originally filed in the United States Court for the Eastern District of Oklahoma as a civil rights complaint. After review, that court construed petitioner's claims as a habeas corpus petition and, on November 6, 2006, transferred the case to this Court. Petitioner's application was filed without prepayment of the \$5.00 filing fee. However, with his habeas application, petitioner submitted a request to proceed *in forma pauperis* and a certified *in forma pauperis* data sheet from the penal institution in which he is incarcerated.

On November 15, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application to proceed *in forma pauperis* be denied, and that this cause be dismissed for failure to pay the \$5.00 filing fee. As of this date, no objections to the Report and Recommendation have been filed of record, nor


has the \$5.00 filing fee been paid.

The undersigned United States District Judge has made an independent examination of the record in this case and has examined the Report and Recommendation of the Magistrate Judge. The District Judge is of the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the application to proceed *in forma pauperis* filed by petitioner ARMANDO TREVINO is hereby DENIED, and the application for a writ of habeas corpus is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 5<sup>th</sup> day of December 2006.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE